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14. ABSTRACT Piracy off the coast of Somalia has increased in frequency over the years but the world had paid scant attention until the September 2008 capture of the MV <i>Faina</i> , a Ukrainian freighter with 33 refurbished Russian-made T-72 tanks and millions of dollars worth of other military equipment. In November 2008, the pirates once again surprised the world when they captured the MV <i>Sirius Star</i> , a supertanker with 2 billion barrels of crude oil worth \$100 million. Finally, in April 2009 the Maersk <i>Alabama</i> , a U.S.-flagged cargo ship was captured along with 20 Americans. The call for decisive action by the U.S. led to the creation of CTF-151 with 3 U.S. warships as a nucleus around which to build a coalition flotilla comprised of patrolling ships to defeat the Somali pirates. However, piracy is only a symptom of failed state status of Somalia and the patrolling ships have had virtually no impact on the frequency of piracy. This paper will demonstrate that Somali piracy is not significant enough to the U.S. to warrant the current application of scarce naval resources. This paper will also demonstrate the need for commercial shippers to take a more proactive role in the prevention of successful pirate attacks by implementing counter piracy measures; allowing the U.S. Navy to recall much needed assets from CTF-151 with minimal adverse impact to the ongoing counter piracy efforts.					
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SOMALI PIRACY: ARE WE MAKING A MOUNTAIN OUT OF A MOLEHILL?

by

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A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

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23 October 2009

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Abstract

Piracy off the coast of Somalia has increased in frequency over the years but the world had paid scant attention until the September 2008 capture of the MV *Faina*, a Ukrainian freighter with 33 refurbished Russian-made T-72 tanks and millions of dollars worth of other military equipment. In November 2008, the pirates once again surprised the world when they captured the MV *Sirius Star*, a supertanker with 2 billion barrels of crude oil worth \$100 million. Finally, in April 2009 the Maersk *Alabama*, a U.S.-flagged cargo ship was captured along with 20 Americans. The call for decisive action by the U.S. led to the creation of CTF-151 with 3 U.S. warships as a nucleus around which to build a coalition flotilla comprised of patrolling ships to defeat the Somali pirates. However, piracy is only a symptom of failed state status of Somalia and the patrolling ships have had virtually no impact on the frequency of piracy. This paper will demonstrate that Somali piracy is not significant enough to the U.S. to warrant the current application of scarce naval resources. This paper will also demonstrate the need for commercial shippers to take a more proactive role in the prevention of successful pirate attacks by implementing counter piracy measures; allowing the U.S. Navy to recall much needed assets from CTF-151 with minimal adverse impact to the ongoing counter piracy efforts.

INTRODUCTION

As Americans gathered around their televisions to listen to the evening news on the evening of April 8, 2009, they learned the Maersk *Alabama*, a United States-flagged cargo ship had been hijacked by pirates off the coast of Somalia and 20 American sailors had been taken hostage by the Somali pirates.¹ Suddenly, Americans were once again interested in American policy regarding the country of Somalia.² In the midst of the first day's headlines and sensational reporting on the Maersk *Alabama*, the press was already beginning to set the stage for the ensuing public demands that the United States had to get involved and fix this pirate problem immediately.

News broadcasters were quick to add to their reports that the Maersk *Alabama* was the sixth ship commandeered by the Somali pirates in just a week.³ Other reports on the evening of 8 April and the following days also mentioned this was the first time an American vessel had been attacked by African pirates since the Barbary Wars in 1804.⁴ With the stage set, it didn't take long for persons interested in some free publicity to offer up their views in the public forum that, indeed, the United States and President Obama had to do something about this problem quickly. Representative Joe Sestak (D-PA) was one of the first to offer up his views that the United States needed to commit more resources "with the right look-down capability to prevent this."⁵ But even Shane Murphy, the First Officer of the Maersk *Alabama*, thought he should provide his prompting as well. At a news conference within hours of Captain Phillips' rescue, Mr. Murphy said, "We would like to implore President Obama to use all of his resources and increase the commitment to ending this Somali pirate scourge. America has to be at the forefront of this. It's time for us to step in and end this crisis."⁶ The chorus for a call to decisive action by President Obama and the United States began to build in the following days in the editorials of major newspapers with calls for more

ships and a commitment of more resources that would enable more lethal responses to the piracy problem.^{7,8}

However, in this age of competing demands for limited resources, one must ask just how much of a problem is piracy for the United States? Does the scope and magnitude of the problem really mandate the current application of resources? This paper will demonstrate that the Somali pirate problem is not significant enough to warrant the current application of limited theater resources.

BACKGROUND

When discussing solutions to the problem of Somali pirates, the majority of experts cite the need for international collaboration and coordination in order to implement a successful anti-piracy campaign.⁹ Likewise, the Geneva Convention on the High Seas and Article 100 of the United Nations Convention on the Law of the Sea (UNCLOS) prescribe that all states must cooperate to the fullest measure in suppressing piracy.¹⁰ However, one obstacle to such collaboration involves the definition of piracy and the fact that crime on the high seas more often than not involves multiple states in complex relationships and roles. These relationships and roles would seemingly provide equal grounds for jurisdiction to all the states involved including the state in which the ship is registered, the state in which the owners of the ship are headquartered, the state or states of which the crew are citizens, and the coastal or port state closest in proximity to the offense.¹¹ Complicating matters even further is that there is no universally accepted standard of evidence for proving piracy.¹² Neither is there a globally accepted standard for arrest, detention, and criminal prosecution of pirates.¹³ The effects of such a lack of standardization can be seen with the April 2009 incident involving Dutch marines seizing a captured fishing boat, freeing the hostages, and then releasing the pirates as a result of misinterpreting the applicable laws.¹⁴ Encouragingly,

work is ongoing in international circles to shore up these deficiencies and add clarity with the IMO initiating agreements and the United Nations Security Council passing Security Council Resolutions to overcome the current ambiguities and facilitate the international cooperation vital to defeating piracy.¹⁵

For the purpose of this paper, the 1982 definition contained in Article 101 of the UNCLOS, the constitution for the world's oceans, defines piracy as:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passenger of a private ship or a private aircraft, and directed-
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).¹⁶

Piracy is further defined as "any illegal act of violence, detention, or depredation committed outside territorial waters for private (rather than political) ends by crew or passengers of a private ship or aircraft against another ship, persons, or crew."¹⁷ Central to this definition is that authority is given only to warships and other vessels in government service to board on the high seas, conduct hot pursuit, arrest pirates, and seize suspected property.

DISCUSSION/ANALYSIS

Any discussion of the Somali piracy problem must begin with an examination of Somalia since the foundations of piracy are based on land while the criminal act of piracy is executed at sea.¹⁸ Somalia is a failed state governed only by anarchy and endless chaos and it has existed as such since 1991 with the exception of 6 months of peace in 2006 when it came under the rule of the Islamic Courts Union.¹⁹ There is ongoing political and economic

instability compounded by a lack of state authority and law enforcement; conditions that facilitate the growth of piracy.²⁰ In such a wretched environment with an estimated average annual income of \$650, the risks associated with piracy and the opportunity to make \$10,000 for a pirate raid are considered negligible by the young men who otherwise have no promise of a better tomorrow.²¹

In considering the objectives of the Somali pirates, it's important to realize that, unlike most pirates, all they desire is easy money by way of demanding ransoms for the ships and crews they capture which usually equates to \$1 million to \$2 million per ship.²² Typical pirates use lethal force to take the cargo of a ship or the entire ship, but Somali pirates are interested only in the ransom that comes from “the difference between the marginal value placed on human life in Somalia and its value in the outside world.”²³

The pirates' operating environment is the Gulf of Aden which links the Mediterranean Sea, the Suez Canal, and the Red Sea to the Indian Ocean.²⁴ According to the U.S. State Department, approximately 33,000 commercial ships transit the Gulf of Aden each year, making it one of the world's most busiest shipping corridors.²⁵ Through this corridor transits a full 8% of the world's trade, over 12% of the total volume of oil transported by sea, and raw materials and finished goods as part of the trade between Asia, the Middle East, and Western Europe.²⁶

The frequency of piracy in this region had been on the rise for a number of years, but the international community gave it scant consideration until September 2008 when the MV *Faina*, a Ukrainian freighter with 33 refurbished Russian-made T-72 tanks and millions of dollars' worth of other military equipment was hijacked enroute to Kenya.²⁷ This hijacking was followed by the 15 November commandeering of the MV *Sirius Star*, a Saudi-owned supertanker with 2 billion barrels of crude oil worth about \$100 million.²⁸ While the capture

of the MV *Faina* may have generated interest due to the weapons aspect, the capture of the *Sirius Star*, which is three times the size of an aircraft carrier, was cause for real concern since it demonstrated that the pirates had evolved their techniques and could now hijack extremely large ocean-going vessels.²⁹

In the Gulf of Aden in 2007, there were 19 pirate attacks with 12 successes for a success rate of 63 percent. In 2008, the same area saw 122 pirate attacks with 42 successes for a success rate of 34 percent.³⁰ Thus, the world witnessed a 6 fold increase in pirate attacks in the Gulf of Aden in 2008. As of 26 September 2009, there have been 146 attacks with 28 successes for a success rate of only 19 percent.³¹ But again, the incidence of attacks has already surpassed the 2008 total of 122 and in only 9 months of the current year.

However, the statistics are not as dire they appear at first glance. Using the United States State Department number of 33,000 commercial ships and correlating that with the 146 attacks occurring so far this year, the reader can see piracy attacks are a factor in less than .5 percent of total commercial traffic through the Gulf of Aden.³² So, less than $\frac{1}{2}$ of 1 percent of the total commercial traffic is impacted by piracy in the Gulf of Aden. The figure of 33,000 commercial vessels transiting the Gulf of Aden each year is cited in this analysis because the figure came from an authoritative source, the United States State Department. However, some readers may wish to point to other sources and make the assertion that 33,000 commercial ships is too high and is therefore skewing the percentage of total commercial ships impacted by piracy; making it much lower than it is in reality. Rawle O. King of the Congressional Research Service states over 20,000 vessels pass through the area every year.³³ Using that conservative figure and the 146 attacks occurring in 2009 as of 26 September, the reader can see only .7 percent of the total commercial traffic is impacted by pirates. Again, less than 1 percent of the total traffic is impacted by piracy. Incidentally, the

figure of 20,000 is conservative since the IMO claims 22,000 vessels transit the Gulf of Aden each year.³⁴ Additionally, it is important to recognize in the analysis above that the number of attacks was used and not the number of actual successful boardings by the pirates which would be significantly lower as previously seen with success rates dramatically decreasing in each of the three years of 2007-2009.

The direct and indirect cost of worldwide piracy to the shipping industry is estimated to be \$1 billion to \$16 billion per year.³⁵ Compared to an annual value of maritime commerce at \$7.8 trillion, the costs associated with piracy are considered a cost of doing business and are not characterized as prohibitive given they only represent .0002 percent of the total annual value of maritime commerce. Or as David Osler points out in Lloyd's List, "Truth be told, losses are so low that there is little incentive for the shipping industries even to make a serious collective effort to tackle it."³⁶ Such a low figure leads those in the shipping industry to make the assessment that the costs of piracy can be absorbed by insurance coverage with little impact on the consumer.³⁷ As many as 30 percent of the vessels transiting the Gulf of Aden do not even follow the minimum guidance to avoid piracy attacks.³⁸ Thus, 30 percent of the traffic in the Gulf of Aden is working against all other counter piracy efforts by choosing to pay the ever higher ransoms; encouraging more piracy.³⁹ Simple technologies such as ship-wide alarms systems and surveillance systems along with anti boarding technologies such as electric fences, interior-locking doors, long range acoustic devices, water cannons, and armed guards represent a multitude of options in varying price ranges for the shipping industry as counter piracy measures, yet the owners of 30 percent of the ships decide it is more prudent to take the chance of an attack than to spend any money on such measures.⁴⁰ Documented instances of the effectiveness of counter piracy efforts as simple as

stringing barbed wire along the sides of the ship amplify the frustration that the shipping industry's lack of action has had on the counter piracy fight.⁴¹

Contrary to logical concerns, the insurance industry is not suffering from the effects of piracy and is completely financially capable of handling U.S. exposure to piracy.⁴² In fact, that industry is benefitting rather handsomely from the current situation. Insurance companies are now charging each ship transiting the Gulf of Aden a risk premium of \$20,000 to \$30,000 per trip and using the conservative number of 20,000 vessels transiting through the gulf each year, insurance companies are collecting between \$400 million and \$600 million every year above and beyond the revenue they receive for policies they would normally cover. With paid ransoms estimated to be no more than \$100 million in 2008, the insurers profited between \$300 million and \$500 million.⁴³

It is tempting to make the case that beyond all of the above, the fact remains that the true value of the Gulf of Aden lies in the fact that it allows ships transiting between Asia, the Middle East, and Western Europe to avoid going round the Cape of Good Hope; thereby saving the carrier the cost of transiting an additional 2,700 miles. The annual cost of that additional 2,700 miles for just one oil tanker traveling between the Saudi Arabia and the United States is \$3.5 million. Container ships from China or Japan would suffer even more adversely. A container ship transiting from Europe to the Far East through the Suez Canal and the Gulf of Aden saves \$89 million annually with \$74.4 million saved in fuel and \$14.6 million saved in charter expenses. Additionally, the Suez Canal-Gulf of Aden route decreases transit time by 5.7 days without which the carrier would have to purchase another ship to maintain terminal frequency between two locations.⁴⁴

Most carriers would never willingly absorb such extreme costs and therein lays the flaw to the argument that such costs make piracy in the Gulf of Aden strategically significant to

the United States and the rest of the world community. In fact, most carriers have assessed that the onerous costs associated with traveling around the Cape of Good Hope just do not make sense given the less than 1% probability of piracy. As James Jay Carafano, Ph.D., points out, “substantial trade has not been diverted from the gulf since carriers still feel the economic benefits of the route outweigh the costs and risks.”⁴⁵

Finally, to complete this analysis, consideration must be given to the direct impact the attacks have had on the United States. Daisy R. Khalifa writes in the March 2009 issue of *Seapower* that only 1 percent of U.S. commerce travels through the Gulf of Aden.⁴⁶ Again, that 1 percent has a statistical probability of less than half of 1 percent of being hijacked.⁴⁷ In fact, an analysis of the impact of Somali piracy on global business clearly demonstrates it is not a threatening, grave national security interest for the United States.⁴⁸ Such assessments do not make a strong case for the current expenditure of funds and effort by the U.S. Navy.

Even in light of the lack of significance of Somali piracy the above analysis demonstrates, the United States has heeded the prodding of the world and has stepped forward to lead the effort against the pirates. In January of 2009, the U.S. Fifth Fleet stood up Combined Task Force (CTF) 151 to combat piracy around the Horn of Africa. The task force was comprised of approximately 1,000 Sailors, 3 surface ships, and naval aviation assets.⁴⁹ A frigate costs approximately \$1.3 million to deploy for one month.⁵⁰ That figure does not include the cost of commissioning, decommissioning, shore based support, reconnaissance aircraft, or capital depreciation that comes from the wear and tear the equipment experiences during the mission. Thus, with 3 ships in the task force since January, the United States has already spent a conservative \$39 million as of October 2009. This cost does not consider the expense of 1,000 sailors of varying ranks who would be much better employed complementing the efforts of one of the two wars in which the United States is

currently engaged. Neither does it paint an accurate picture of the true expenses of taking 3 ships out of wartime deployment rotations when the entire Navy has just 280 ships. All of this money and effort is expended to combat a criminal activity with a probability of less than one half of 1 percent of impacting only 1 percent of total U.S. commerce. Piracy is thus extremely low on the ranking scale of national security interests and threats. As Professor John Patch says, “There is (sic) much more important things for the U.S. Navy to be doing with these high-end conventional warships than chasing a handful of bad guys on a small boat.”⁵¹

Of course no discussion of U.S. national security interests in regards to piracy and Somalia would be complete without addressing the much touted evolving link between piracy and terrorists. With the attack on the USS Cole in October 2000 followed by the terrorist events of 11 September 2001, the seed was planted for the linking of piracy and terrorism.⁵² Within hours of initially reporting the events surrounding the commandeering of the Maersk *Alabama*, discussions on cable news networks began focusing on the possibilities of a connection between Islamic terrorists and the Somali pirates.⁵³ The stage for such ponderings was set by Anne Korin and Gal Luft with their article in November/December 2004 edition of Foreign Affairs alleging piracy and terrorism were becoming intertwined with piracy becoming a key tactic of terrorist groups.⁵⁴ The article was soundly rebutted and critiqued in the March/April 2005 edition by Charles N. Dragonette, a noted piracy expert in the Office of Naval Intelligence when he labeled their allegations of a piracy and terrorism nexus as “uncritically repeated myths, half truths, and unsupportable assertions.”⁵⁵ Likewise a House of Commons report of such a nexus was refuted in 2006 by the British maritime authorities who called into question the intelligence behind the conclusions.⁵⁶ Peter Chalk, in writing for the Rand Corporation, states, “To date, there has been no credible evidence to

support speculation about this nexus.”⁵⁷ Martin Murphy, a senior strategic analyst at the University of Reading, further bolsters the case with his statement, “When it comes to piracy itself, there is no worthwhile evidence, despite the speculation, of any cooperation between pirates and insurgent/terrorists.”⁵⁸ Of course, none of this is to say a nexus will not develop over time. However, for the sake of this discussion and the formulation of policy, it is important to recognize maritime piracy and maritime terrorism as two different activities with two very different desired endstates; pirates depend on a robust shipping industry while terrorist want to destroy it.⁵⁹ Thus, on the basis of a suspected nexus between the piracy and terrorism, piracy does not measure up as a significant threat worthy of pivotal consideration in the formulation of U.S. maritime policy and the associated application of U.S. naval assets.⁶⁰

However, given that the commitment has been made even as the evidence has indicated a dearth of significance of piracy to the United States, the question is whether these assets are having any impact on the incidence of piracy off the coast of Somalia. Initially, the results were promising with only two recorded pirate attacks between the activation of CTF-151 in January and the end of February.⁶¹ However, in March a total of 15 attacks were reported; lending credence to the assertion that weather in January and February was more likely to have deterred the pirates than CTF-151.⁶² At this point, it’s appropriate to revisit the April 2009 capture of the Maersk *Alabama*. Captured 4 months after the stand up of CTF-151, which at that time comprised of some 20 warships, the incident demonstrates the ineffectiveness of the flotilla in deterring piracy and countering acts of piracy. It also demonstrates the surprising effectiveness of the pirates with their ability to strike anywhere in an area covering over 1 million square miles of ocean.⁶³ It is precisely the size of this area that inhibits the effectiveness of CTF-151 in spite of the courage and tenacity of the young

men and women that comprise it. For comparison sake, the area is four times the size of Texas.⁶⁴ For added perspective, one could “draw a box from Houston to Chicago to New York City down to Jacksonville, Florida” and consider the immensity of the area to be covered by 20 warships.⁶⁵

The logical answer to patrol an area that is too large is to simply increase the number of ships patrolling. Matthew Hulbert reports that adequately patrolling the Gulf of Aden to both deter and react to acts of piracy would require 140 ships and “several times more than that number to cover the 2.8 million square kilometers of waters around Somalia’s eastern coast.”⁶⁶ Currently, there are more than 30 ships patrolling the region but that’s 30 ships from 17 nations.⁶⁷ Yet, even as more nations participate in CTF-151, the number of pirate attacks continues to grow; demonstrating larger and larger fleets of patrolling boats are not the answer to the Somali piracy problem.⁶⁸ Vice Admiral Gortney alluded to the diminishing returns of the patrolling ship-based effort when he pointed out that even with 14 different navies patrolling the designated Maritime Security Patrol Area (MSPA) and an average of 12-14 ships actively patrolling at any time, “the probability of being hijacked by pirates in this area is .13 percent, but we are pushing for armed security attachments.”⁶⁹ Again though, that probability represents less than one half of one percent and raises the question of what probability of piracy is tolerable and how many ships must be committed to reach that level of tolerance. To frame the answer to that question however, one truism must be acknowledged: maritime piracy will always exist in one form or another.⁷⁰ A French defense official provided a telling, if less than specific, answer when he stated, “Frankly we could put 250 boats out there and we’d never be sure we’re free from hostage-takings.”⁷¹ Martin Murphy adds emphasis with his assertion that naval action is the least efficient method to combat piracy and is akin to playing “whack-a-mole” with naval assets given the

open expanses in which the pirates operate.⁷² Thus, the truism remains that maritime piracy will always exist in one form or another regardless of the type and number of naval assets committed.

Indeed even with CTF-151, most likely the largest antipiracy flotilla ever assembled,⁷³ eagerly patrolling the region, the Maritime Administration just issued an advisory on 10 September 2009 warning mariners and ship operators that piracy is likely to increase off the Horn of Africa and in the Indian Ocean now that the monsoon season has ended.⁷⁴ To address the enormity of factor space over such an area would require a massive naval deployment which is absolutely unrealistic in terms of cost given the statistical probability of being hijacked off the coast of Somalia is less than half of 1 percent.⁷⁵

Ironically, indications are that the introduction of CTF-151 may have made the piracy problem more complicated and problematic. The military escorts did reduce the incidence of successful pirate attacks in the Gulf of Aden. However, as a direct result of that success, the pirates adapted and switched their operations to the Somali basin in the western part of the Indian Ocean.⁷⁶ This is a much larger area that the pirates take advantage of by employing previously captured mother ships to operate 500 miles out to sea and as far south as the top of the Mozambique channel.⁷⁷ These enhanced capabilities were documented on 15 April 2009 with the capture of a pirate command ship and 11 pirates by the French Navy 550 miles off the coast of Kenya.⁷⁸ As additional evidence, there have been a number of documented incidents of piracy much closer to the Seychelles than the Horn of Africa.⁷⁹

Thus, the discussed option of transiting around the Cape of Good Hope to avoid the piracy associated with the Gulf of Aden is in fact not a valid option. With the capture of the Maersk *Alabama* hundreds of miles from the area declared as pirate waters and hundreds of miles from the shore of Somalia, the pirates demonstrated their expanding range as a reaction

to the patrolling ships of CTF-151.⁸⁰ Even Vice Admiral Gortney hinted at the futility of the effort when he remarked that when the call from the *Alabama* was received, “our closest vessel from all the navies that were out there - - we have 16 navies that are patrolling those waters - - and the closest one was the USS Bainbridge, and it was over 300 nautical miles.”⁸¹

The discussions above demonstrating the ineffectiveness of patrolling ships as an antipiracy measure are usually accompanied with the sage observation that the only way to truly remedy the piracy problem is to attack the source of the problem: the poverty, the hunger, the lack of law enforcement, and the lack of government in Somalia.⁸² Commodore Keith Winstanley, the Middle East Royal Navy Commander, said it best when he stated, “We do what we can, but the solution to this problem is clearly not at sea, but ashore in Somalia.”⁸³ Roger Middleton of Chatham House sums up the requirement saying, “Only addressing the root causes, including the internal problems of the country, will offer a way to stop piracy.”⁸⁴

Thus, the question becomes should the United States participate in yet another state building effort to remedy those ills in Somalia that have so fostered the piracy problem. Given the analysis thus far demonstrating the insignificance of Somali piracy to the U.S. and given the expense in blood and treasure associated with such an undertaking, it should be a foregone conclusion to even the most casual observer that such an effort would neither be prudent nor effective. U.S. policymakers should not allow media coverage to drive them to adopt policies such as supporting a new United Nations peacekeeping operation to prop up the Transitional Federal Government of Somalia. Mr. Shaefer makes the case that such an operation would ultimately end up as “nation-building on a massive scale without a legitimate domestic partner,” and would necessarily involve imposing authority with force and implementing governance forever characterized as external.⁸⁵

Beyond direct military involvement on the mainland of Somalia, some have proposed that the United States assist Somalia in establishing a Somali Coast Guard in order to solve the issue of U.S. involvement without over commitment. However even this simple but expensive gesture is fraught with risk. At this point, establishing a coast guard in Somalia is premature and could easily produce unintended consequences as the candidates defected from the coast guard to ply their new skill set in the much more valuable piracy sector.⁸⁶

To complete this discussion, the assumed link between international terrorism and failed states must be addressed. Bjorn Moller addresses this issue by examining empirical data to determine if state building should be an integral part of the counterterrorism effort. His analysis demonstrated absolutely no statistical correlation between state failure and the fostering of terrorism.⁸⁷ Justin V. Hastings goes even further by employing quantitative analysis to demonstrate “state failure is associated with less logically sophisticated hijackings (kidnapping for ransom), while state weakness encourages more sophisticated attacks.”⁸⁸ Failed states do not have the infrastructure that weakened states usually have and without such infrastructure to dispose of captured booty, the Somalia pirates hijack only for the cash that they can obtain for the ship and its crew. Thus, as a failed state transitions to weakened state, evidence indicates an unintended consequence may be a more sophisticated pirate or terrorist.⁸⁹ Bjorn Moller summarizes, “Quite a strong case could thus have been made for leaving Somalia alone and allowing it to remain stateless,” most especially given that every single attempt at state building in Somalia has failed.⁹⁰ The United States should not feel driven to rebuild Somalia and should not be overly concerned about a perceived lack of involvement as the rest of the international community is also failing to indicate they are prepared or willing to confront the quagmire of factors existing within Somalia.⁹¹

CONCLUSIONS

The significance of Somali piracy has been overstated in the media and has led to the commitment of scarce naval assets to counter a criminal activity with a probability of less than one half of 1 percent of impacting 1 percent of U.S. commerce. The pirates responsible for this criminal activity are from Somalia where non-existent governance, law enforcement, and economic opportunity lead them to ignore the risk of being captured in favor of making up to \$10,000 for a successful hijacking.⁹² The low probability of piracy attacks provides the shipping industry with little incentive to pay for the implementation of counter piracy measures; choosing to pay ever higher ransoms instead and thereby perpetuating the growth of piracy in the poverty stricken region.⁹³

As a result of the employment of CTF-151 in the Gulf of Aden, the pirates adapted their techniques and moved further out to sea and further south with the use of mother ships. This further demonstrated the ineffectiveness of the patrolling ships at countering piracy with 20 warships from 17 nations attempting to secure 1.1 million square miles of open ocean. Likewise, by moving south and into the Indian Ocean, the pirates negated the expensive option of traveling around the Cape of Good Hope to avoid attacks. Thus, even with the application of scarce naval assets, piracy continues to exist on the coast of East Africa.⁹⁴ As long as the dire conditions within Somalia exist, piracy will also exist as a symptom of those conditions.⁹⁵

Again, however, the actual probability of suffering a pirate attack is .13 percent; a probability that does not justify the current application of U.S. ships and sailors. Likewise, the lack of any substantial evidence of a nexus between terrorism and piracy fails to enhance the significance of piracy. Finally, going into Somalia in the role of state building in order to address the conditions that foster piracy is not prudent given the history of previously failed

attempts in that nation and, again, the lack of significance of Somali piracy. The Somali pirate problem and the associated conditions within Somalia do not warrant the current application of scarce naval assets. The following recommendations are offered to the Combatant Commanders of AFRICOM and CENTCOM as a plan for substantially reducing the commitment and role of U.S. Navy assets while continuing to adequately address Somali piracy in a fashion more proportional to its significance.

RECOMMENDATIONS

The shipping industry must be prodded to do a better job of training crews on evasive maneuvering techniques and to incorporate more non-lethal deterrents. While the shipping industry relentlessly lobbies for a more pronounced counter piracy role for the world's navies, many commercial ships are not even employing basic techniques to avoid attack and capture.⁹⁶ Instead they formulate their responses to the piracy problem based on the less than 1 percent probability of suffering a piracy attack; ultimately deciding it is just cheaper to pay the ransom in the unlikely event of a hijacking than to spend the money on methods of deterrence; thereby actually encouraging piracy.⁹⁷ The shipping industry must take a larger role in the counter piracy effort because the military resources are simply not available to provide 24-hour protection for the hundreds of commercial vessels in the area every day.⁹⁸ An especially true assessment in this era of scarce resources and expanding requirements wherein the U.S. Navy does not have the ability to fulfill even a fraction of its assigned missions.⁹⁹ However, as the shipping industry has demonstrated with its preference of paying ransoms in lieu of spending on deterrence, they will not accept a larger role in the counter piracy effort without a forcing mechanism. An announced reduction in the commitment of U.S. Naval assets to this effort might serve as just such a forcing mechanism. Such a reduction is particularly appropriate given the inability of the patrolling ships to

reduce the probability of attacks to zero, the fact that piracy will always exist off the coast of Somalia as long as the statelessness of Somalia exists, the contributing factor of ransoms that carriers willingly pay in lieu of purchasing existing and proven methods of deterrence, and the lack of significance of Somali piracy to the U.S.

The three U.S. ships in CTF-151 have provided the nucleus for the development of a multinational coalition of some 20 warships from 14 different navies actively patrolling the area today and, unlike the U.S., the other nations participating in CTF-151 do have a substantial interest in the piracy problem off the coast of Somali. Thus, the U.S. should now withdraw the three U.S. ships and associated personnel currently participating in CTF-151 in order to allow those regional states with overarching interests to continue the efforts of CTF-151 while freeing up U.S. Naval power for the ongoing war on terror. In order to preserve the coalition, the U.S. should serve notice of the action six months before it is to occur along with an acknowledgement of the historical example of progress provided by a similar approach of regional cooperation by affected nations in the Straits of Malacca under the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP).¹⁰⁰ It should also be noted that this is not a plan for abandonment and disengagement. Rather it is a plan that frees up scarce resources for the security of the world's oceans and the global war on terrorism while providing the incentive for a more pronounced role for the shipping industry in the solving of the scourge of Somali piracy.

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